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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Christopher J. Rixon, et al.

Serial No. 08/741,981

RECEIVED

Group 3502

Filed: October 31, 1996

MAY 27 1997

Examiner: M. Battista

For: ELECTRONIC ADJUSTABLE PEDAL ASSEMBLY

GROUP 3500

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER CO-PENDING PATENT APPLICATIONS

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The owner, Comfort Pedals, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patents issuing from co-pending Application Serial Nos. 08/516,050 or 08/513,017. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the patents issuing from the co-pending applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the patents issuing from the co-pending patent applications, as presently shortened by any terminal disclaimer, in the event that either of the patents issuing from the co-pending

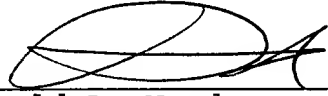
applications later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is the attorney of record.

Respectfully submitted,

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Dated: May 5, 1997

The terminal disclaimer fee under 37 CFR 1.20(d) is also enclosed (\$55).

The Patent and Trademark Office suggested wording for this terminal disclaimer is unchanged.